

REMARKS

Claims 1, 3, 4 and 6 have been rejected by the Examiner under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Also, claims 1, 3, 4 and 6 were rejected by the Examiner under 35 USC 112, first paragraph, as failing to comply with the written description requirement. These rejections are respectfully traversed.

In rejecting the claims the Examiner has raised the issue that the amounts of the various components recited in the claims are confusing and thus indefinite. By way of explanation, in determining the amount of clay, silica and carbon black which are present in the rubber composition of the present invention, it is important that the amount of clay plus silica which is present in the rubber composition must fall within the range of 40 to 79 parts by weight and the amount of clay plus silica plus carbon black present in the rubber composition must fall within the range of 41 to 80 parts by weight. In claim 1 of the present application, the amount of silica which is present in the rubber composition is at least 5 parts by weight. The amount of clay present in the rubber composition of the present invention is 30 to 50 parts by weight and the total amount of clay and silica as 40 to 79 parts by weight practically shows that the upper amount of silica is 49 parts by weight (the amount of clay and the limitation that the clay and silica must be present in an amount of 40 to 79 parts by weight show that the amount of silica is at most 49 parts by weight and not 10 to 49 parts by weight as alleged by the Examiner. For example, when the amount of clay is 35 parts by weight, the amount of silica must be 5 to 44 parts by weight and, in some cases, more than 44 parts by weight of silica would not be acceptable. In other words, the amount of silica must satisfy (1) at least 5 parts by weight of silica; (2) 30 to 50 parts by weight of clay; (3) the combination of clay plus silica must fall within the range of 40 to 79 parts by weight, that is, 5 to 49 parts by weight, and all values of at least 5 parts by weight of silica are not always acceptable.

In claim 1 of the present application, the amount of carbon black is 5 to 65 parts by weight. In the present invention, by defining the amount of clay plus silica as falling within the range of 40 to 79 parts by weight and by defining the total amount of clay, silica and carbon

black as falling within the range of 41 to 80 parts by weight, practically shows that the upper amount of carbon black is 40 parts by weight (the limitations of clay plus silica as falling within the range of 40 to 79 parts by weight and the limitation of the amount of clay plus silica plus carbon black falling within the range of 41 to 80 parts by weight show that the amount of carbon black is at most 40 parts by weight, not 1 part by weight). For example, in Example 3 of the present application which defines a rubber composition containing 30 parts by weight of clay, 20 parts by weight of silica and 25 parts by weight of carbon black, the combination of clay plus silica as falling within the range of 40 to 79 parts by weight and the combination of clay plus silica plus carbon black as falling within the range of 41 to 80 parts by weight are satisfied. In other words, the amount of carbon black must satisfy the following limitations: (1) at least 5 parts by weight silica; (2) 5 to 65 parts by weight of carbon black; and (3) the amount of clay plus silica plus carbon black must fall within the range of 41 to 80 parts by weight, that is, the amount of carbon black falls within the range of 5 to 40 parts by weight. This means that all values of 5 to 65 parts by weight of carbon black are not always acceptable.

As discussed above, in the present invention, defining the amount of clay plus silica which is present in the rubber composition and defining the amount of clay plus silica plus carbon black which is present in the rubber composition in the present invention provides that the upper amount of carbon black is 40 parts by weight. Therefore, both the amount of clay plus silica as well as the amount of clay plus silica plus carbon black must be satisfied.

As the Examiner will note, claim 7 which reflects the subject matter of Example 3 has been added to the present application.

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Conclusion

With the above explanation in mind, the Examiner is respectfully requested to reconsider the rejection of the claims under paragraphs 1 and 2 of 35 USC 112 and render an action on the merits of the present application.

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Respectfully submitted,

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